

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

DONNIE R. GOODMAN	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:16-cv-0002-MFU-PMS
	)	
v.	)	
	)	
NORFOLK SOUTHERN RAILWAY	)	
COMPANY, et al.,	)	
	)	
Defendants.		

**PLAINTIFF'S DEPOSITION DESIGNATIONS OF TRIAL TESTIMONY**

NOW COMES Plaintiff, DONNIE R. GOODMAN by and through his attorneys CRAIG W. CHURCH , MATTHEW F. LIEBERT, and HOEY & FARINA, P.C. and for his Designates the following Trial Deposition Testimony:

1. For **Ladonna Osborne**, FNP-BC, Plaintiff designates the following to be read to the jury at the trial of this matter. *See* Deposition of Ladonna Osborne, FNP-BC *attached hereto* as Exhibit 1.

- 4:15 – 5:20
- 43:10 – 12
- 43:22 – 45:1
- 47:7 – 48:19
- 49:11 – 12
- 49:21 – 50:11
- 51:13 – 14
- 52:3 – 53:10
- 56:6 – 9
- 56:23 – 57:5
- 57:8 – 11
- 57:13 – 17
- 57:20 – 21

- 57:23

Defendants' Objections for ruling from Plaintiff's Designations of the Deposition of Ladonna Osborne:

- 56:10 – 15, beyond the scope of redirect, by counsel for Norfolk Southern
- 57:6 – 7, beyond the scope of redirect, by counsel for Norfolk Southern
- 57:18, beyond the scope of redirect, by counsel for Norfolk Southern

Plaintiff's Objections for ruling from Defendants' direct-examination of Ladonna Osborne:

- 35:19 – 22, questions regarding document that is not part of Ms. Osborne's medical file, by counsel for Plaintiff. (Subject to motion *in limine*).
- 36:9 – 10, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 37:5, foundation, form, by counsel for Plaintiff. (Subject to motion *in limine*).
- 38:19 – 20, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 39:21, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 41:15 – 16, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).

2. For **Leonardo Kapural, M.D., Ph.D.**, Plaintiff designates the following to be read to the jury at the trial of this matter. *See* Deposition of Leonardo Kapural, M.D., Ph.D *attached hereto* as Exhibit 2.

- 5:14 – 6:24
- 7:8 – 12:17
- 12:22 – 14:19
- 14:23 – 18:24
- 19:7 – 21:10
- 21:15 – 18
- 22:4 – 24:5
- 24:14 – 25:21
- 26:5 – 11
- 26:14 – 17
- 26:19 – 27:3
- 27:7 – 22
- 28:2 – 3
- 28:5 – 29:2
- 29:6 – 8
- 29:11 – 18
- 29:21 – 30:9

- 30:16 – 18
- 30:20 – 31:8
- 31:12 – 14
- 31:18 – 21
- 32:1 – 3
- 32:6 – 33:19
- 33:23 – 24
- 34:1 – 2
- 34:5 – 18
- 56:18 – 57:12

Defendants' Objections for ruling from Plaintiff's Designations of the Deposition of Leonardo Kapural:

- 12:18 – 20, move to strike nonresponsive to the question, by counsel for Norfolk Southern.
- 14:20 – 21, move to strike nonresponsive to the question, by counsel for Norfolk Southern.
- 25:22 – 26:2, form, beyond scope of disclosures. He was identified and testified consistent with his medical records, and he does not have a causation opinion in his medical records, by counsel for Norfolk Southern.
- 26:12, same objection, by counsel for Norfolk Southern.
- 26:18, same objection, by counsel for Norfolk Southern.
- 27:5 -6, form, by counsel for Norfolk Southern.
- 27:23 - 24, beyond scope of disclosures, by counsel for Norfolk Southern.
- 28:4, same objection, by counsel for Norfolk Southern.
- 29:3 – 4, asked and answered, by counsel for Norfolk Southern.
- 29:9 – 10, beyond the scope of what's been asked, by counsel for Norfolk Southern.
- 29:19, asked and answered, by counsel for Norfolk Southern.
- 30:12 – 14, form, leading, confusing, lack of foundation, by counsel for Jewell Defendants.
- 31:9 – 10, asked and answered, by counsel for Jewell Defendants.
- 31:15 – 16, asked and answered, by counsel for Jewell Defendants.
- 31:23 - 24, object to line of questioning as cumulative and redundant, by counsel for Jewell Defendants.
- 32:4, same objection, by counsel for Jewell Defendants.
- 33:20 – 22, form, by counsel for Norfolk Southern and counsel for Jewell Defendants.
- 34:3 – 4, same objection, by counsel for Norfolk Southern and counsel for Jewell Defendants.

Plaintiff's Objections for ruling from Defendants' cross-examination of Leonardo Kapural:

- 54:22, foundation, speculation, by counsel for Plaintiff.

3. For **Dr. Chauncey Santos.**, Plaintiff designates the following to be read to the jury at the trial of this matter. *See* Deposition of Dr. Chauncey Santos *attached hereto* as Exhibit 3.

- 36:4 – 45:24
- 46:6
- 46:16 – 18
- 46:20 – 24
- 46:2 – 47:24
- 48:3 – 4,
- 48:10 – 56:20
- 57:1 – 2
- 57:24 – 58:20
- 59:3 – 15
- 59:18 – 60:6
- 60:11 – 13
- 60:17 – 61:6
- 61:10 – 12
- 61:15 – 62:15
- 62:24 – 63:2
- 63:5 – 12
- 63:15 – 19
- 63:22
- 69:22 – 23
- 70:1 – 6
- 70:11 – 18
- 70:22 – 71:2
- 71:6 – 8
- 71:11 – 72:2
- 72:5 – 12
- 72:15 – 21
- 72:23 – 24
- 73:4 – 74:11
- 74:14 – 20
- 74:23 – 75:7
- 75:12 – 15
- 75:18 – 19
- 75:21 – 76:2
- 76:4 – 23

- 77:2 – 6
- 77:9 – 10
- 77:12

Defendants' Objections for ruling from Plaintiff's Designations of the Deposition of Dr. Chauncey Santos:

- 46:1 – 2, form, hearsay, by counsel for Norfolk Southern.
- 46:19, same objection, by counsel for Norfolk Southern.
- 47:1, same objection, by counsel for Norfolk Southern.
- 48:1 – 2, form, by counsel for Norfolk Southern.
- 56:21 – 22, form, by counsel for Norfolk Southern.
- 58:21 – 22, form, by counsel for Norfolk Southern.
- 59:16 – 17, form, by counsel for Norfolk Southern.
- 63:13 – 15, form, lack of foundation, by counsel for Norfolk Southern.
- 63:20 - 21, form, by counsel for Norfolk Southern.
- 70:7 – 8, asked and answered, beyond the scope, by counsel for Norfolk Southern.
- 70:19 – 20, beyond the scope, by counsel for Norfolk Southern.
- 71:3 – 4, beyond the scope, by counsel for Norfolk Southern.
- 71:9 – 10, form, beyond the scope, by counsel for Norfolk Southern.
- 72:3 – 4, form, hearsay, beyond the scope, by counsel for Norfolk Southern.
- 72:13 – 14, form, beyond the scope, by counsel for Norfolk Southern.
- 72:22, form, hearsay, beyond the scope, by counsel for Norfolk Southern.
- 74:12 – 13, form, by counsel for Norfolk Southern.
- 74:21 – 22, form, beyond the scope, by counsel for Norfolk Southern.
- 75:8 – 9, asked and answered, beyond the scope, by counsel for Norfolk Southern.
- 75:16, same objection, by counsel for Norfolk Southern.
- 75:20, same objection, by counsel for Norfolk Southern.
- 76:3, same objection, by counsel for Norfolk Southern.
- 76:24 – 77:1, form, beyond the scope, by counsel for Norfolk Southern.
- 77:7, same objection, by counsel for Norfolk Southern.
- 77:11, same objection, by counsel for Norfolk Southern.

Plaintiff's Objections for ruling from Defendants' direct-examination of Dr. Chauncey Santos:

- 8:10, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 12:1, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 13:22, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 30:18 – 19, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 31:1, same objection, by counsel for Plaintiff. (Subject to motion *in limine*).
- 32:3, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 35:2, foundation, by counsel for Plaintiff.

- 64:9, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 64:15, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 64:24, form, by counsel for Plaintiff.
- 65:16, form, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 65:24, form, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 66:24, form, by counsel for Plaintiff.
- 67:6, form, beyond the scope, by counsel for Plaintiff.
- 67:17, form, by counsel for Plaintiff.
- 68:2, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 68:13, form, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 68:23, form, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 69:6, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).

Plaintiff reserves the right to supplement or amend his designations based on any designations made by Defendants or rulings by the court.

DATED this 9<sup>th</sup> day of May, 2017

Respectfully submitted,  
Donnie Goodman, Plaintiff

By: /s/:Craig W. Church

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 9th day of May 2017, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will provide an electronic copy to the following attorneys;

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